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*Attorneys for Heber Avenue Partners, LLC*

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**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:

**EASY STREET HOLDING, LLC, et al.,**

Debtors.

Tax ID Numbers:

35-2183713 (Easy Street Holding, LLC)  
20-4502979 (Easy Street Partners, LLC)  
84-1685764 (Easy Street Mezzanine, LLC)

Case No. 09-29905  
(Jointly Administered with Cases 09-29907  
and 09-29908)

Chapter 11

Honorable R. Kimball Mosier

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**NOTICE OF HEARING ON HEBER AVENUE PARTNERS LLC'S OBJECTION TO  
CLAIM NO. 23 OF PHILO SMITH, JR. PURSUANT TO SECTION 502(b) OF THE  
BANKRUPTCY CODE AND BANKRUPTCY RULES 3001, 3003 AND 3007**

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**PLEASE TAKE NOTICE** that Heber Avenue Partners, LLC ("Heber"), the reorganized debtor pursuant to the Amended Plan of Reorganization of Easy Street Partners, LLC and WestLB, AG dated June 16, 2010 (the "Plan") has filed its Objection to Claim No. 23 of Philo

Smith, Jr. Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3001, 3003 and 307 [Docket No. 714] (the "Objection"). A copy of the Objection has been served via the Court's ECF/CM system and served upon Philo Smith, Jr. via First Class U.S. Mail, postage prepaid. If you have not received a copy of the Objection and you would like one, you may obtain a copy by requesting it from the undersigned counsel. The Objection seeks entry of an order disallowing and expunging the claim filed by Philo Smith, Jr. in its entirety.

**PLEASE TAKE FURTHER NOTICE** that your rights may be affected. You should read this Notice and the Objection carefully and discuss them with your attorney, if you have one in this bankruptcy case.

**PLEASE TAKE FURTHER NOTICE** that if you do not want the Bankruptcy Court to grant the Objection, or if you want the Bankruptcy Court to consider your views on the Objection, then you or your attorney must file with the Bankruptcy Court and serve on Heber's counsel at the addresses set forth at the top of this Notice a written response to the Objection in conformity with Rule 3007-1 of the Bankruptcy Court's Local Rules (located at [www.utb.uscourts.gov](http://www.utb.uscourts.gov)) so that it is received, **on or before Monday, December 27, 2010.**

**PLEASE TAKE FURTHER NOTICE** that, if you mail your response to the Bankruptcy Court for filing, you must mail it early enough so that the Court will receive it on or before the time and date stated above.

**PLEASE TAKE FURTHER NOTICE** that the Objection will come on for an evidentiary hearing before the Honorable R. Kimball Mosier, United States Bankruptcy Judge, on **Thursday, January 20, 2011, at 2:00 p.m., Mountain Time**, in his courtroom, Room 369 of the Frank E. Moss United States Courthouse, 350 South Main Street, Salt Lake City, Utah

84101. You or your attorney must attend the hearing on the Objection if you want your response to be considered by the Bankruptcy Court. The hearing on the Objection may be continued from time to time without further notice, except the announcement in open Court of the time and place of such continued hearing.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Rule 3007-1(b) of the Bankruptcy Court's Local Rules, absent timely filing and service of responses to the Objection, Heber may ask that the Court to grant the Objection without further notice or hearing. Additionally, upon the resolution of any timely filed and served responses to the Objection, Heber may ask the Bankruptcy Court to grant the Objection without further notice or hearing.

DATED this 24<sup>th</sup> day of November, 2010.

**DORSEY & WHITNEY LLP**

/s/ Benjamin J. Kotter

Annette W. Jarvis

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Benjamin J. Kotter

and

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